

REMARKS/ARGUMENTS

The claims have been amended in a sincere attempt to place the case in condition for allowance. Claim 1 now specifies that cerium (Ce) is used as a luminescent center ion. A related corrective change has been made to page 8, lines 18-27. Silicon is not listed as a luminescent center ion in the host material. The paragraph directly before the paragraph discusses luminescent center ions and Ce is the element that is discussed the most. The working examples also show Ce as the luminescent center ion.

The objection to Claim 16 is noted. The formula has been stricken from Claim 16.

The wording of Claim 19 has been changed to make it clear that the light emitting device further comprises at least one additional phosphor. The Examiner is directed to working Examples 7 and 8 for embodiments showing two phosphors.

The rejection of Claims 1-11 and 15-17 under 35 U.S.C. §102 as anticipated by Wilson et al. '801, the rejection of Claims 1-11 and 15-17 under 35 U.S.C. §103 as unpatentable over Verriet et al. '890, and the rejection of Claims 1-10 and 15-17 under 35 U.S.C. §101 as unpatentable over JP '799 are moot in view of the amendment of Claim 1 to specify that cerium is used as the luminescent center ion.

The rejection of Claims 1-13, 15-20, and 22 under 35 U.S.C. §102(e) and the rejection of Claims 1-22 under 35 U.S.C. §103 over U.S. Patent Application Publication Setlur et al. 2005/0093442 are respectfully traversed. Claim 1 of the captioned application calls for a garnet crystal structure compound containing each of divalent metal, a trivalent metal, a tetravalent metal, and oxygen in designated quantities, with Ce as a luminescent center ion incorporated therein. Setlur et al. '442 describes multiple element phosphor compositions of varying formulae but there is no teaching, recognition, or awareness in the reference using a formulation as claimed here. Note the differences and similarities between the working and comparative examples in the captioned specification. The claims patentably define over the

Application No. 10/776,339
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reference. Moreover, Setlur et al. '442 was published May 5, 2005 based upon an application filed October 29, 2003. The instant application was filed based upon an application filed in Japan on August 28, 2001. Enclosed as evidence of applicants' prior invention is a certified copy of the Japanese application and a verified English translation thereof. For these reasons, the rejection should be withdrawn.

The Examiner is thanked for acknowledging references submitted with Information Disclosure Statements.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and a U.S. PTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Registration No. 36,379

Charles A. Wendel
Registration No. 24,453

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
CW/rac